



Order Filed on December 11, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)  
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In re:

CONGOLEUM CORPORATION<sup>1</sup>,  
  
Debtor.

Chapter 11

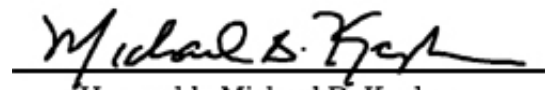
Case No. 20-18488 (MBK)

Judge: Hon. Michael B. Kaplan

**JOINT STIPULATION AND [PROPOSED] ORDER OF  
BATH IRON WORKS CORPORATION, CONGOLEUM  
CORPORATION, AND DVL KEARNY HOLDINGS, LLC AND DVL, INC.**

Bath Iron Works Corporation (“**BIW**”), Congoleum Corporation (“**Congoleum**” or “**Debtor**”), and DVL Kearny Holdings, LLC, and DVL, Inc. (collectively, “**DVL**”) (together, the “**Parties**”) hereby stipulate and agree, subject to the approval of the Court, as set forth below.

**DATED: December 11, 2020**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

WHEREAS, BIW, Congoleum, and DVL are parties to a case pending in the New Jersey District Court captioned *DVL Inc. et al. v. Congoleum Corp. and Bath Iron Works Corp.*, 2:17-04261-KM-JBC (D.N.J.) (the “**DVL Lawsuit**”).

WHEREAS, the Parties engaged in expert discovery in the DVL Lawsuit and submitted the following reports:

- a. Congoleum submitted an affirmative report by David Bronner.
- b. BIW submitted two responsive reports to Mr. Bronner’s report: one by Stephen Fraidin and one by Edward Rock.

**THEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

1. Out of interest in efficiency and judicial economy, if the following experts were called to testify live in the current action (Case No. 20-18488), they would testify consistent with their written reports submitted in the DVL Lawsuit, and therefore the Parties agree that their reports can be used in the above-captioned matter to the extent they offer admissible opinions: David Bronner, Edward Rock, and Stephen Fraidin.

2. DVL reserves and preserves all rights to object to the settlement hearing occurring and preserves all rights to object during any hearing if such hearing proceeds, including any objections to a hearing reaching the point of expert testimony. Further, DVL does not consent to the entry of final orders or judgments by the bankruptcy court and nothing in this stipulation or otherwise shall be deemed to be a consent, waiver or other relinquishment of any such rights by DVL. Nor does DVL in any way waive or otherwise relinquish its right to seek to withdraw the reference of this or any other case or proceeding pursuant to 28 U.S.C. § 157(d).

Dated: December 10, 2020

Respectfully submitted,

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December \_\_, 2020

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Judge Michael B. Kaplan